

REMARKS

Previously, claims 1-18 and 21-22 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 1, 8, 9, 10, 21, and 22 are amended, claims 2-7, 11-14, and 16 are canceled, claims 19 and 20 are canceled as to a non-elected invention, and claims 15, 17, and 18 are as previously presented.

First, the claims of this application more precisely focus upon the features of this invention comprising a cylindrical one piece hand tool with two opposing round tipped shafts coaxial with the longitudinal axis of the handle.

Second, regarding claims 1 and 10, the patent to Mellon, No. 5,890,252 teaches of a hand held tool having a single shaft with two diameters. The shaft terminates in an outward point extending away from the handle. The outward point on the tip aids the insertion of the shaft into the barrel of an electrical jack. In contrast, the present invention has two shafts, each shaft having a constant diameter. Further, each shaft has a tip with a conical depression pointing inwards or towards the handle, and no part of the conical depression extends outward from the tip.

As before, the patent to Hoye, No. 2,734,320 teaches of a handle on a head with two opposite ends that clean electrical fuse holders. Hoye's handle attaches to the head and the ends have a shape suitable for a snug fit in the fuse clip. Hoye also has abrasive material affixed upon the faces of the ends.

In contrast, the present invention lacks a perpendicular handle and has first and second shafts coaxial with the handle, a round cross section, and a diameter suitable for a wheel hub. The present invention has round narrow shafts while Hoye has somewhat rectangular ends. For abrading wheels, the present

invention receives sandpaper down the shafts, and rests the sandpaper upon the first and second faces. The sandpaper is generally perpendicular to the handle whereas in Hoyer the abrasive wraps around the ends and is generally parallel to the longitudinal axis of the head.

Third, regarding claims 3 and 14, the patent to Greene, No. 3,797,055 discloses a hand held tool with ribs on the handle. As ribs taught in the '055 patent assist many tools with handles in turning, the applicant hereby cancels claims 3 and 14.

Fourth, per the examiner's suggestion, claims have been amended to include the allowed subject matter of dependent claims within rejected independent claims. Claim 1 now incorporates former claims 4 and 6, and claim 10 incorporates former claim 12.

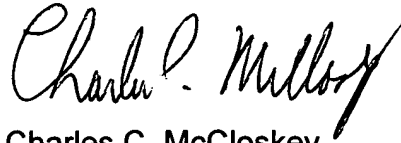
Applicant also asserts that the '320 and '252 patents are nonanalogous art that does not suggest usage of a double shaft tool in the model car field, See *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). Further, the '320 and '252 patents describe cleaning electrical contacts and fuses but do not expressly suggest improvements such as conical depressions on the tips of shafts for finishing model car wheels. Any Prior Art as a reference must suggest the desirability of modification. See *In re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989) (where loose wheels were insufficient reference against tight wheels).

This application as amended withstands the prior art as cited by the examiner, whether the prior art be applied individually, or in combination, for use either anticipating or rendering obvious the claimed subject matter of the applicant's invention. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See *Ex parte*

Beuther, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

All of the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles C. McCloskey". The signature is fluid and cursive, with a long horizontal stroke at the end.

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